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RECENT IMPORTANT DECISIONS.

BANKRUPTCY—JURISDICTION DEPENDING ON PRINCIPAL PLACE OF BUSINESS, RESIDENCE OR DOMICILE.—B, a domiciled resident of New York, employed by an express company in New York City in the capacity of a rate clerk, moved to New Jersey in 1908 for the purpose of acquiring a residence which would give the courts of that state jurisdiction of a contemplated divorce proceeding against his wife. He retained his position with the express company in New York, and in 1911 he secured a divorce in New York, the sole ground of jurisdiction of the New York court being that the marriage had been solemnized in that state. During all of this time he continued to reside in New Jersey. In 1912 he filed a petition in voluntary bankruptcy in the District Court for the Southern District of New York, the jurisdiction of that court being invoked on the ground that his "principal place of business" was in New York. On motion by a creditor to vacate the order adjudging him a bankrupt, and a motion by the bankrupt for leave to amend his petition by showing that he was domiciled in New York, it was *held* (1) that the nature of the bankrupt's employment was such that he could not have a "principal place of business", in that he had no place of business at all; (2) that the circumstances under which he left New York and took up his residence in New Jersey, together with the motive prompting him to do so caused him to acquire a domicile in the latter state. *In re Lipphart*, (D. C., N. Y., 1912) 201 Fed. 103.

§ 2 (1) of the Bankruptcy Act gives to the several district courts jurisdiction to adjudge persons bankrupt who have for a specified period "had their principal place of business, resided, or had their domicile" within the territorial jurisdiction of said court. In vacating the adjudication, the court suggests that Congress had a reason for this arrangement, and concludes that the proceedings were intended to be carried on in the place most convenient to all concerned. In the case of one earning but a moderate salary, his creditors will probably be from the locality of his home, tradesmen of the vicinity of his residence, and they should not be inconvenienced because the bankrupt may chance to have employment in a different and perhaps distant jurisdiction. The petitioner not having any place of business within the meaning of the Act, no jurisdiction could be based on the fact that he was employed within the territorial jurisdiction of the court. The other question, that involved in the petitioner's motion for leave to amend by declaring New York to be the place of his domicile, was quite easily disposed of. One's residence need not necessarily be the place of his domicile, but in the present case both the residence and domicile of the petitioner were in New Jersey; his residence by reason of his having a fixed abode there, and his domicile because of his abiding there *animo manendi*. As the court well said, "Upon the ground of public policy, as well as the facts of the particular case, the bankrupt should not be permitted to invoke the aid of the courts of New Jersey and to secure a divorce and at the same time seek the jurisdiction of this court to be relieved of his debts."